IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 2638 of 2005

Between:

Smt. Gaddam Swarupa Rani, W/o. Gaddam Narsaiah,
R/o. Reddy Colony, Hanmakonda, Warangal District.

..... PETITIONER

AND

1 The Dy. Superintendent of Police, Warangal.
2 The Superintendent of Police, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus duly declaring the inaction on the part of the Respondent No. 1 herein in not investigating the Crime No. 325/2003, which was referred by the learned IV Addl. Judicial Magistrate of I Class, at Warangal under sec. 156(3) of Cr.P.C., as highly arbitrary, illegal, unilateral and contrary to the code of Cr. P.C. and its provisions and consequently direct the Respondent No. 1 i.e. Dy. Superintendent of Police, Warangal, to investigate the said Crime in F.I.R.No. 325/2003 of P.S., Hanmakonda and pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.VINOD KUMAR DESHPANDE

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

ORDER:.

The grievance of the petitioner is that even though the complaint made under Section 200 Cr.P.C., before the IV Additional Judicial Magistrate of First Class, Warangal, and though the learned Magistrate referred the matter to the Deputy Superintendent of Police, Warangal to exercise his jurisdiction under Section 156 (3) Cr.P.C, wherein it was indicated that the investigation should be completed by 30th September 2003, the investigation is not conducted.

The counsel appearing for the petitioner contends that the total inaction on the part of the concerned Police Officer is reprehensible.

I agree with the contention of the learned counsel appearing for the petitioner.

No counter affidavit has been filed.

Having regard to the facts and circumstances and in view of the specific

averment made by the counsel appearing for the petitioner that no investigation has been conducted and reported to the Magistrate so far, I deem it expedient, to direct the second respondent to complete the investigation, as directed by the Magistrate, if not already conducted, within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

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D.S.R. VARMA, J

DATED: 04.03.2005

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Note: 1. Mark copy to the IV Additional Judicial Magistrate of First Class, Warangal.

2. Furnish copy in three days.

To

1 The Dy. Superintendent of Police, Warangal.
2 The Superintendent of Police, Warangal.

3. 2 CCs to G.P. for Home, High Court of A.P., Hyderabad. (OUT)

4. 2 CD Copies.

5. The IV Additional Judicial Magistrate of First Class, Warangal.